

1 COOLEY GODWARD LLP
STEPHEN P. SWINTON (106398)
2 J. CHRISTOPHER JACZKO (149317)
4365 Executive Drive, Suite 1100
3 San Diego, California 92121-2128
Telephone: (858) 550-6000
4 Facsimile: (858) 453-3555

5 DOUGLAS E. OLSON (38649)
BROBECK, PHLEGER & HARRISON LLP
6 12390 El Camino Real
San Diego, California 92130-2081
7 Telephone: (858) 720-2500
Facsimile: (858) 720-2555

8 R. WILLIAM BOWEN, JR. (102178)
9 GEN-PROBE INCORPORATED
10 10210 Genetic Center Drive
San Diego, California 92121-4362
Telephone: (858) 410-8918
11 Facsimile: (858) 410-8637

12 Attorneys for Plaintiff
Gen-Probe Incorporated

13 UNITED STATES DISTRICT COURT
14 SOUTHERN DISTRICT OF CALIFORNIA
15

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17 GEN-PROBE INCORPORATED,

18 Plaintiff,

19 v.

20 VYSIS, INC.,

21 Defendant.
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23
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No. 99-CV-2668H AJB
JUDGE MARILYN L. HUFF

**DECLARATION OF R. WILLIAM BOWEN IN
SUPPORT OF GEN-PROBE'S MOTION FOR
PARTIAL SUMMARY JUDGMENT**

Date: May 29, 2001
Time: 10:30 a.m.
Dept: Courtroom 1

25 I, R. William Bowen, declare as follows:

- 26 1. I am a member of the State Bar of California and admitted to practice before this
27 Court. I am one of the counsel of record in this action for plaintiff Gen-Probe Incorporated.
28 2. I attended the deposition of Jonathan Lawrie, Ph.D., at Raleigh, North Carolina on

99 CV 2668H (AJB)

1 February 15, 2001. I asked the questions and heard the responses given by Dr. Lawrie at the
2 deposition. The deposition of Dr. Lawrie was stenographically recorded and transcribed. The
3 excerpts of the Lawrie deposition set forth in Exhibit 9 to the accompanying notice of lodgment
4 are true and correct copies of the certified deposition transcript and accurately state the questions
5 and answers at the Lawrie deposition.

6 3. I attended the deposition of James Richards, Ph.D., at Waltham, Massachusetts on
7 March 30, 2001. I asked the questions and heard the responses given by Dr. Richards at the
8 deposition. The deposition of Dr. Richards was stenographically recorded and transcribed. The
9 excerpts of the Richards deposition set forth in Exhibit 10 to the accompanying notice of lodgment
10 are true and correct copies of the certified deposition transcript and accurately state the questions
11 and answers at the Richards deposition.

12 I hereby declare under penalty of perjury under the laws of the United States of America
13 that all statements made herein of my own knowledge are true and that all statements made on
14 information and belief are believed to be true. This declaration was executed by me at San Diego,
15 California on April 23, 2001.



R. William Bowen